House File 2294 - Introduced

HOUSE FILE 2294 BY HINSON

A BILL FOR

- 1 An Act relating to technical violations of probation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 908.11, Code 2018, is amended by adding
- 2 the following new subsection:
- 3 NEW SUBSECTION. 01. As used in this section, "technical
- 4 violation means a violation of probation other than a violation
- 5 involving an arrest, conviction, or failure to follow a
- 6 specific court-imposed condition of probation, or when the
- 7 person absconds.
- 8 Sec. 2. Section 908.11, subsection 4, Code 2018, is amended
- 9 to read as follows:
- 10 4. a. If the violation is established, the court may
- 11 continue the probation or youthful offender status with
- 12 or without an alteration of the conditions of probation or
- 13 a youthful offender status. If the defendant is an adult
- 14 or a youthful offender the court may hold the defendant
- 15 in contempt of court and sentence the defendant to a jail
- 16 term while continuing the probation or youthful offender
- 17 status, classify the violation as a technical violation and
- 18 proceed under paragraph "b" while continuing the probation or
- 19 youthful offender status, order the defendant to be placed in
- 20 a violator facility established pursuant to section 904.207
- 21 while continuing the probation or youthful offender status,
- 22 extend the period of probation for up to one year as authorized
- 23 in section 907.7 while continuing the probation or youthful
- 24 offender status, or except as provided in paragraph "b", revoke
- 25 the probation or youthful offender status and require the
- 26 defendant to serve the sentence imposed or any lesser sentence,
- 27 and, if imposition of sentence was deferred, may impose any
- 28 sentence which might originally have been imposed.
- 29 b. (1) If the violation established is a technical
- 30 violation, the court may sentence the defendant to a jail term
- 31 or order the defendant to be placed in a violator facility
- 32 established pursuant to section 904.207 while continuing the
- 33 probation or youthful offender status. The jail term or
- 34 placement shall not exceed the following:
- 35 (a) Five days for a first technical violation.

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- 1 (b) Ten days for a second technical violation.
- 2 (c) Fifteen days for a third or subsequent violation.
- 3 (2) The court shall not revoke the probation or youthful
- 4 offender status of a defendant unless at least four technical
- 5 violations have been established.
- 6 EXPLANATION
- 7 The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 9 This bill relates to technical violations of probation.
- 10 The bill defines "technical violation" to mean a violation
- 11 of probation other than a violation involving an arrest,
- 12 conviction, or failure to follow a specific court-imposed
- 13 condition of probation, or when the probationer absconds.
- 14 If a violation of probation is established under the bill,
- 15 the court may classify the violation as a technical violation
- 16 and proceed while continuing the probation or youthful offender
- 17 status of the defendant. If the court classifies the violation
- 18 as a technical violation of probation, the court may sentence
- 19 the defendant to a jail term or order the defendant to be
- 20 placed in a violator facility established pursuant to Code
- 21 section 904.207 while continuing the probation or youthful
- 22 offender status. The bill limits the jail term or placement
- 23 in the violator facility for a technical violation to the
- 24 following periods of time: 5 days for a first technical
- 25 violation, 10 days for a second technical violation, and 15
- 26 days for a third or subsequent violation.
- 27 The bill specifies that the court shall not revoke the
- 28 probation or youthful offender status of a person unless at
- 29 least four technical violations have been established.